UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

      v.

                                            23-CR-93-LJV-HKS

JAHAUN BUTLER,   DECISION & ORDER

            Defendant.

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1. On April 29, 2024, the defendant, Jahaun Butler, pleaded guilty to Count 1 of the Superseding Information charging a violation of Title 21, United States Code, Section 846 (narcotics conspiracy). Docket Item 37.

2. On April 29, 2024, the Honorable H. Kenneth Schroeder, Jr., United States Magistrate Judge, filed a Report & Recommendation recommending that the defendant's plea of guilty be accepted and that the defendant be adjudged guilty. Docket Item 38.

3. This Court did not receive objections to the Report & Recommendation in accordance with Title 28, United States Code, Section 636(b)(1), and Rule 59(b) of the Federal Rules of Criminal Procedure, and the time to object expired.

4. The Court then carefully reviewed *de novo* Judge Schroeder's Report & Recommendation (Docket Item 38), the plea agreement (Docket Item 37), the superseding information (Docket Item 36), a transcript of the plea proceeding (Docket Item 39), and the applicable law. This Court finds no legal or factual error in Judge Schroeder's Report & Recommendation and therefore adopts Judge Schroeder's

recommendation that the defendant's pleas of guilty be accepted and that the defendant be adjudged guilty of Count 1 of the Superseding Information.

IT IS HEREBY ORDERED that this Court adopts Judge Schroeder's April 29, 2024 Report & Recommendation, Docket Item 38, in its entirety, including the authorities cited and the reasons given therein; and it is further

ORDERED that the Court accepts the defendant's plea of guilty and defers acceptance of the plea agreement pursuant to Sentencing Guidelines Section 6B1.1(c), and the defendant, Jahaun Butler, is now adjudged guilty of Count 1 of the Superseding Information under Title 21, United States Code, Section 846.

SO ORDERED.

Dated: July 3 , 2024
            Buffalo, New York

LAWRENCE J. VILARDO
UNITED STATES DISTRICT JUDGE

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